

Matter of Ayres
Del. Supr. No. 306, 2002 (7/8/02)
Board Case Nos. 12, 17, 38, 39 and 55, 2001

Disciplinary Rules Involved: DLRPC 1.1, 1.3, 1.4(a), 1.5(f), 1.15(a), 1.15(b), 1.16(d), 8.1(a), 8.4(c), 8.4(d); DLRDP 7(c)

Sanctions Imposed: Three-Year Suspension

By Opinion dated July 8, 2002, the Delaware Supreme Court suspended Caroline P. Ayres, Esquire, a Wilmington attorney who operated a solo law practice, for three years. Ayres' suspension was effective immediately on the date of the Opinion. During the period of suspension, Ayres is prohibited from conducting any act directly or indirectly constituting the practice of law, including the sharing or receipt of any legal fees. Ayres is also prohibited, during the suspension, from having any contact with clients or prospective clients or witnesses or prospective witnesses when acting as a paralegal, legal assistant or law clerk under the supervision of a member of the Delaware Bar.

In connection with the disciplinary proceedings, Ayres admitted the following professional misconduct which constituted violations of the following Rules of the Delaware Lawyers' Rules of Professional Conduct ("Rules"):

- Ayres had failed to timely file and pay all federal, state, and local payroll, gross receipts and income taxes for the period 1996 through 2000 (Rules 1.15(b) and 8.4(d));
- Ayres falsely represented to the Delaware Supreme Court from 1996 through 2000 that she had timely filed and paid all federal, state, and local payroll, gross receipts and income taxes (Rules 8.4(c) and 8.4(d));
- Ayres concealed her failure to pay various federal, state and local taxes from the Office of Disciplinary Counsel ("ODC") and its auditor (Rules 8.1(a) and 8.4(c));
- Ayres failed to provide to the ODC the documentation necessary for an audit as required as a condition of a private admonition issued in October 2001 (Rule 7(c) of the Delaware Lawyers' Rules of Disciplinary Procedure);
- with respect to one client, Ayres failed to provide competent representation,

failed to act with reasonable diligence and promptness, failed to keep the client reasonably informed, failed to hold unearned fees in a trust account, failed to keep the client's property separate from her property, failed to take steps to protect the client's interest, and engaged in deceit and misrepresentation (Rules 1.1, 1.3, 1.4(a), 1.5(f), 1.15(a), 1.16(d), and 2 counts of 8.4(c));

- with respect to another client, Ayres failed to act with reasonable diligence and promptness and failed to take steps to protect the client's interests upon withdrawal from representation (Rules 1.3 and 1.16(d)); and
- with respect to two other clients, Ayres failed to act with reasonable diligence and promptness (2 counts of Rule 1.3).

In ruling that a suspension was the appropriate discipline, the Delaware Supreme Court considered the following aggravating factors: a prior disciplinary record; a pattern of misconduct, multiple violations; and engaging in deceptive practices during the disciplinary process.